IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6952 OF 2005
IN
CRIMINAL WRIT PETITION NO.1777 OF 2004

Dhondu @ Barkya Ramchandra Kokre ...Applicant/Ptnr.
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr. Shree Ram Shirsat for the Applicant/Petitioner
Mrs. A.S. Pai, A.P.P for the State

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 31ST AUGUST, 2006

P.C.

1. There is a spurt of such Petitions being filed in this Court invoking the extra ordinary jurisdiction seeking protection from the Police Officer under the apprehension that they may be killed in fake encounter or wrongly detain and harass and falsely implicated in the cases without following the guidelines/ directions issued by the Honourable Supreme Court from time to time including the directions and guidelines issued in the decision rendered in the case of D.K. Basu.

2. In our view this is nothing but an effort to prevent the Police from causing lawful arrest. In our view no cause of action has arisen to entertain this Petition. If at all the Petitioner is aggrieved, he can very well file a complaint case before the competent Magistrate as so far as wrongful detention is concerned, and if he is falsely implicated he can take recourse to the alternative remedy claiming compensation for malicious prosecution/detention.

Petition is dismissed.

(SMT.ROSHAN DALVI, J.) (SHRI. J.N. PATEL, J.)